

HOUSE BILL REPORT

HB 2164

As Passed House:

March 9, 2009

Title: An act relating to evaluating selected child welfare practices to determine their impact on remediating racial disproportionality in Washington's child welfare system.

Brief Description: Remediating racial disproportionality in child welfare practices.

Sponsors: Representatives Pettigrew, Haler, Santos, McCoy, Miloscia, Kagi, Hunt, Kenney, Sullivan, Darneille, Seaquist, Roberts, Chase, Hasegawa, Dickerson and Goodman.

Brief History:

Committee Activity:

Early Learning & Children's Services: 2/20/09 [DP];

Health & Human Services Appropriations: 2/25/09 [DP].

Floor Activity

Passed House: 3/9/09, 77-19.

Brief Summary of Bill

- Directs the Washington State Institute for Public Policy to evaluate the impact of selected interventions on racial disproportionality in Washington's child welfare system and report its finding by September 1, 2010.

HOUSE COMMITTEE ON EARLY LEARNING & CHILDREN'S SERVICES

Majority Report: Do pass. Signed by 5 members: Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Goodman and Seaquist.

Minority Report: Without recommendation. Signed by 2 members: Representatives Walsh, Assistant Ranking Minority Member; Angel.

Staff: Sydney Forrester (786-7120)

HOUSE COMMITTEE ON HEALTH & HUMAN SERVICES APPROPRIATIONS

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: Do pass. Signed by 13 members: Representatives Pettigrew, Chair; Seaquist, Vice Chair; Appleton, Cody, Dickerson, Ericksen, Johnson, Miloscia, Morrell, O'Brien, Roberts, Walsh and Wood.

Minority Report: Do not pass. Signed by 2 members: Representatives Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member.

Staff: Melissa Palmer (786-7388)

Background:

The disproportionate representation of a racial or ethnic group within a system is often referred to as racial disproportionality. In the child welfare and juvenile justice systems, racial disproportionality occurs when a particular racial or ethnic group of children is represented at a higher percentage than other racial or ethnic groups. The concept of racial disproportionality looks across racial and ethnic groups at the relative ratios of children in a system.

Research at the national level illustrates that children of color are represented in foster care at a rate higher than these children are represented in the general population. Within Washington, the most recent look at racial disproportionality in child welfare is the work done by the Racial Disproportionality Advisory Committee (RDAC) created by the Legislature in 2007. The Washington State Institute for Public Policy (WSIPP) provided technical assistance to the RDAC to examine and analyze:

- the level of involvement for children of color in the state's child welfare system;
- the number of children of color in low-income or single-parent families involved in child welfare;
- the structures of families involved in child welfare; and
- the outcomes for children in the existing system.

In June 2008 the RDAC and the WSIPP reported the results of their analysis of about 58,000 children who were rereferred to Child Protective Services (CPS) in 2004, and followed the outcomes for those children through 2007. The analysis reflects that patterns of disproportionality were evident at the time of reports to CPS alleging child abuse or neglect and that compared with White children:

- American Indian children were three times as likely to be referred to CPS.
- Black children were nearly twice as likely to be referred to CPS.
- Hispanic children were 1.3 times as likely to be referred to CPS.
- Asian children were less likely to be referred to CPS.

The WSIPP research also indicates that disproportionality occurred within the child welfare system and patterns of disproportionality varied by race. Compared with White children referred to CPS, after referral:

- American Indian children were 1.6 times as likely to be removed from home and twice as likely to remain in foster care for over two years.
- Black children were 1.2 times more likely to be removed from home and 1.5 times more likely to remain in care for over two years.

- Hispanic children were no more likely to be removed from home or to remain in care for over two years.
- Asian children were no more likely to be removed from home and less likely to remain in care for over two years.

In response to the WSIPP findings, the RDAC developed the first phase of a remediation plan and recommended that two practices being implemented by the Children's Administration, structured decision-making and the family team decision-making model, be studied to determine their impacts on racial disproportionality. Other recommendations from the RDAC include:

- implementing policies to ensure equitable services and supports for children and families using kinship care;
- measuring compliance with the Indian Child Welfare Act (ICWA);
- enacting a state version of the ICWA;
- requiring training across various systems to focus on cultural competency and understanding race and racism;
- reducing caseloads for child welfare and child protection workers;
- revising the training for mandatory reporters;
- assessing the cultural competency of the Children's Administration as an organization;
- implementing a racial equity impact analysis tool; and
- exploring implementation of in-home community-based services to keep children safe and reduce the need for out-of-home placements.

Summary of Bill:

The WSIPP is directed to evaluate the impact of structured decision-making (SDM) practices and the family team decision-making (FTDM) model on racial disproportionality in the state's child welfare system. The evaluation is to be accomplished within appropriated funding or within amounts received from private grants or contributions. If adequate funding is not available to evaluate both practices, the FTDM model shall be evaluated first. The Department of Social and Health Services (DSHS) and the WSIPP must complete the necessary data sharing agreements and identify potential sources of private funding to supplement any state appropriated amounts. The WSIPP shall report its findings to the Legislature and the DSHS by September 1, 2010.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony (Early Learning & Children's Services):

(In support) We have accomplished a lot to begin addressing racial disproportionality in child welfare. The recommendations of the RDAC are consistent with the requirement that the remediation plan be developed with consideration of existing practices or programs that are

designed to address this problem. The DSHS has been expanding the use of FTDM and SDM because there is a probability these practices can begin to have a positive impact. There is not a strong body of research about what works so it is important to take the time to analyze what the impact of these programs is. There has been interest expressed by some private funders who may be willing to assist with costs of the study.

(Information only) The estimated cost to study the impact of both FTDM and SDM is \$75,000. If only FTDM were to be studied, the estimate is \$50,000. It isn't half the cost because there are some economies of scale in studying two practices simultaneously.

(Opposed) None.

Staff Summary of Public Testimony (Health & Human Services Appropriations):

(In support) This is the second tier of the work done by the Advisory Committee on Racial Disproportionality, which identified some steps toward solutions. This bill is a small step toward that solution. There are private funders that are interested in this work as well.

This bill is about accountability, cost efficiency, and ensuring that the state's investments are going to address racial disproportionality. Two key recommendations require an analysis of the two service delivery models. These two practices have a direct impact on if a child is removed from home and the length of stay out of home.

An external evaluation is needed. Having a sense of if these programs work would be valuable. This evaluation will help ensure that these policies are the best policies to address disproportionality. There is a strengthening families component to this bill.

(Opposed) None.

Persons Testifying (Early Learning & Children's Services): (In support) Teresa Mosqueda, Children's Alliance; Mike Moran, Samish and Umatilla Indian Tribes; and Laurie Lippold, Children's Home Society.

(Information only) Marna Miller and Roxanne Lieb, Washington State Institute for Public Policy.

Persons Testifying (Health & Human Services Appropriations): Representative Pettigrew, prime sponsor; Teresa Mosqueda, Children's Alliance; Laurie Lippold, Children's Home Society; Jim Theofelis, Mockingbird Society; and Marna Miller, Washington State Institution for Public Policy.

Persons Signed In To Testify But Not Testifying (Early Learning & Children's Services): None.

Persons Signed In To Testify But Not Testifying (Health & Human Services Appropriations): None.